In the Hon'ble the High Court of Uttaranchal
At Nainital

WRIT PETITION NO. 931 (M/S) of 2003

Munfat Ali ……Petitioners

Versus

A.D.J. Roorkee District Haridwar & Others ……..Respondents

Hon'ble M.M. Ghildiyal J.

Heard Sri Alok Singh, Learned Counsel for the Petitioner and Learned Standing Counsel.

The Petitioner by means of this Writ Petition has challenged the order dated 10/09/2003 passed by Addl. District Judge, Roorkee allowing the application of defendant on cost of Rs. 250/- by permitting him to sign the written statement within a week.

The plaintiff filed a suit for a specific performance of contract. The defendant filed the written statement, however the said written statement was not signed and verified as required by order 6 rule 14, 15 CPC by each and every defendants.

The suit of the plaintiff was decreed by order dated 29/03/2003. Aggrieved by the said order the defendants filed Civil Appeal No. 10 of 2003 which is pending in the Court of Addl. District Judge, Roorkee. The defendant moved an application seeking permission to sign and verify the written statement to which the plaintiff filed reply and the Appellate Court on 26/08/2003 rejected the application of the defendant. The defendant again moved application seeking permission for signature and verification of written statement which has been allowed by the Addl. District Judge, Roorkee by order dated 10/09/2003.

I find no infirmity in the impugned order. The writ petition is dismissed. However, no order as to costs.

(M.M.Ghildiyal, J.)

September 22, 2003
Aswal